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6 Attorneys for Plaintiffs

7  
8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 GIL CROSTHWAITE , et al., as Trustees of the  
11 OPERATING ENGINEERS' HEALTH AND  
WELFARE TRUST FUND FOR NORTHERN  
12 CALIFORNIA, et al.,

13 Plaintiffs,

14 v.

15 JOSEPH UNTALAN FUNES, Individually and  
dba J. U. FUNES EXCAVATING GRADING  
16 & PAVING, aka J.U. FUNES EXCAVATING,  
aka J. U. FUNES EXCAVATING & PAVING,

17 Defendants.  
18

Case No.: C09-0769 PJH

**NOTICE OF VOLUNTARY DISMISSAL  
AND ORDER**

19  
20 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs GIL  
21 CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the  
22 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN  
23 CALIFORNIA, et al., voluntarily dismiss, without prejudice, the within action against Defendants  
24 JOSEPH UNTALAN FUNES, individually and dba J. U. FUNES EXCAVATING GRADING &  
25 PAVING, aka J.U. FUNES EXCAVATING, aka J. U. FUNES EXCAVATING & PAVING.  
26 Plaintiffs have not previously filed or dismissed any similar action against Defendants.

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1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 29th day of June, 2009, at San Francisco, California.

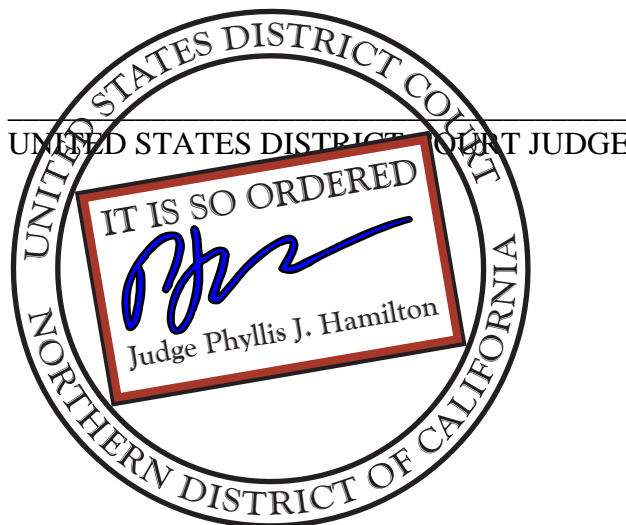
4 SALTZMAN & JOHNSON  
5 LAW CORPORATION

6 By: \_\_\_\_\_/S/\_\_\_\_\_  
7 Michele R. Stafford  
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice and all dates herein are herewith vacated.

11  
12 Date: 6/30/09 \_\_\_\_\_



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 29, 2009, I served the following document(s):

**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by First Class U.S. Mail, by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Joseph U. Funes  
2646 U Street  
Rio Linda, California 95673**

**J.U. Funes Excavating, Grading &  
Paving  
c/o Joseph U. Funes  
2646 U Street  
Rio Linda, California 95673**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 29th day of June, 2009, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Vanessa de Fabrega